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**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No.: 10/535,421

Group Art Unit: 1794

Filing Date: December 12, 2005

Examiner: Jerry W. Anderson

Applicant: Martin GUSTAVSSON

Allowed: March 29, 2010

Title: FOOD PACKAGING METHOD

Attorney Docket: 10400-000163-US

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April 28, 2010

**Statement Under 37 C.F.R. §1.133(b)**

Sir:

In response to the brief telephonic discussions with the Examiner and the Examiner's supervisor on April 15, 2010 and April 22, 2010, it is Applicant's understanding that the Examiner erred in including the Examiner's Amendment included on page 2 of the March 29, 2010 Notice of Allowance. It should be noted that Applicant never provided the Examiner with permission to initiate an Examiner's Amendment of the claims. Because the Examiner's supervisor requested that Applicant ignore the Examiner's Amendment (in the phone conversation on April 22, 2010), it is Applicant's understanding that no Examiner's Amendment of the claims has been initiated for this application and the claims may simply be renumbered in the issued patent for publication purposes by removing unused claim numbers (i.e., the claims may simply be renumbered as they always are when a patent issues).

**CONCLUSION**

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Gary D. Yacura, at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By   
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